

REMARKS

Claims 19, 29, 56-57, 59 and 68 have been cancelled. Claims 1, 11-13, 26, 27, 30, 33-34, 40, 58, 61-62, 76-77, 81-83, 85, 94 and 102 have been amended. Claims 103 through 110 are newly presented. New subject matter has not been added.

Rejections under 35 U.S.C. §112

Claims 5, 13, 34, 56-57 and 62 stand rejected under §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The examiner states that claims 5, 34 and 62 lack proper antecedent basis for "the electrode assembly", that claim 13 lacks proper antecedent basis for "the RF electrode", and that claims 56-57 are redundant of claim 30. The claims have been amended to overcome this ground of rejection.

Rejections under 35 U.S.C. §102

Claims 1-4, 6-10, 14-15 and 85-91 are rejected under §102(b) as anticipated by Eggers.

Claim 102 is rejected under §102(b) as anticipated by Pomeranz et al.

Claims 11-13 stand rejected under §102(b) as anticipated by Ingle et al.

Rejections under 35 U.S.C. §103

Claims 16, 45, 73 and 92 stand rejected under §103(a) as being obvious over Eggers in view of Negus et al..

Claims 25, 85-91 and 93-100 stand rejected under §103(a) as being obvious over Pomeranz et al. in view of Fan.

Claims 30-33, 35-45, 56-58, 60-61, 63-67, 69-73 and 84 stand rejected under §103(a) as being obvious over Ingle et al. in view of Pomeranz et al and Fan.

Clais 46-47, 74-75 and 78-80 stand rejected under §103(a) as obvious over Ingle et al., Pomeranz et al. and Fan and further in view of Negus.

Allowable Subject Matter

Applicant thanks the examiner for the indication that claims 17-18, 20-24, 28 and 48-55 are allowable over the prior art, that claims 5, 34 and 62 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims,

and that claims 26-27, 76-77 and 81-83 would be allowable if rewritten to overcome the §112 rejections and to include all of the limitations of the base claim and any intervening claims.

In one embodiment of the present invention, as set forth in claim 1, a handpiece, is provided that has a handpiece assembly including a handpiece housing. An insert is detachably coupled to the handpiece housing. The insert includes an RF electrode with a conductive portion and a dielectric between the conductive portion and a skin surface when the RF electrode is positioned at the skin. The positioning of the dielectric provides for passage of energy through the dielectric to the skin surface.

Eggers discloses an electrically powered endoscopic probe. The working surface of the probe is used to cause hemostasis of incised tissue or for directly coagulating masses. The probe has a working end with bipolar electrodes. A film, denoted as 47 can be applied as an adhesive-backed electrically insulating film, and can be made of polyimide. The polyimide is used as an insulator and does not provide for passage of energy through the dielectric to the skin surface. The polyimide serves only as an insulator.

Pomeranz, et al., discloses an endocardial mapping catheter used in chambers of the heart. An RF ablation catheter is provided. The RF is used to ablate tissue. There is no disclosure or suggestion in Pomeranz, et al., that a dielectric can be utilized to reduce edge current effects of an RF electrode. Pomeranz, et al., discloses an ablation device. The positioning of the dielectric to provide for passage of energy through the dielectric to the skin surface is not a concern with the Pomeranz, et al., device.

CONCLUSION

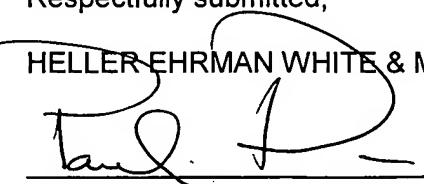
It is submitted that the present application is in form for allowance, and such action is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required, including petition fees and extension of time fees, to Deposit Account No. 08-1641 (Docket No. 39238-0753).

Respectfully submitted,

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